

Indicator 9: – Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Indicator 10: – Disproportionate representation of racial and ethnic groups in special education and related services, and in a specific disability category, that is the result of inappropriate identification.

1. What are the State requirements related to Disproportionate Representation?

According to §300.600(d)(3) of the IDEA, the State Educational Agency (SEA) must define, collect and examine data to determine if policies, practices, and procedures are in place to prevent overidentification of children by race and ethnicity in special education and related services, and in specific disability categories, that is due to inappropriate identification.

2. Why is it important to analyze Disproportionate Representation data?

The disproportionate representation process is intended to determine why some student groups are identified for special education and related services more than others.

3. How are SPP Indicators 9 and 10 (Disproportionate Representation) measured?

Two consecutive years of numeric data from district September 20 General Enrollment Count and December 1 Child Count are analyzed. The numeric dataset includes public schools, students ages 6-21, and their primary disability. Not included in the dataset are students identified as gifted as the only exceptionality, or students who are wards of the state or placed in a facility within a district's boundaries through other entities (i.e. SRS or JJA placements).

The data are analyzed to determine whether disproportionate representation of a particular group of students exists. If so, a review of district policies, practices, and procedures is conducted to determine if a district's disproportionate representation is a result of inappropriate identification. A finding of noncompliance is only issued if a district has disproportionate representation **and** that disproportionality is a result of inappropriate identification.

4. How does the SEA determine Disproportionate Representation?

Year 1 – Potential Disproportionate Representation

Numeric discrepancy – district level data is analyzed for significant disparities by race and ethnicity, and disability category. The following is used to determine if a district has potential disproportionate representation and is at risk for noncompliance.

Data verification – If a district has a weighted risk ratio >.3.00, the following is implemented:

District completes and submits the required Data Verification & Summary Form. The district reviews individual student data in the identified racial and ethnic group / disability category. As part of the review, the district will determine if KIDS enrollment ethnicity reported matches MIS ethnicity, or if other practices may have impacted the data. KSDE team verifies the submitted information and verifies the year one data calculation.

Overrepresentation – The district must have:

- At least 30 students of a racial and ethnic group in the district;
- At least 10 students of a racial and ethnic group in special education and related services / a specific disability category;
- At least 10 students in the comparison group*; and
- A weighted risk ratio >3.00.

* Comparison group:

Indicator 9 - comprised of students of all other races and ethnicities enrolled in the district, regardless of whether or not they receive special education services. For example, the comparison group for Black students receiving special education services within a district would be all other races and ethnicities (Asian, Hispanic, Native American, Pacific Islander, White, and Multi-racial) enrolled in the district.

Indicator 10 - comprised of students of all other races and ethnicities enrolled in the district. For example, the comparison group for Black students receiving special education services within a district would be all other races and ethnicities (Asian, Hispanic, Native American, Pacific Islander, White, and Multi-racial) enrolled in the district. For Indicator 10, this comparison is done for each of six disability categories: Autism, Emotional Disturbance, Learning Disability, Other Health Impaired, Intellectual Disability and Speech or Language Impaired. The calculation of interest is, for example, what percent of Black students enrolled in the district are identified with Autism compared to what percent of students in all other racial and ethnic groups enrolled in the district are identified with Autism.

Year 2 – Disproportionate Representation

Numeric discrepancy and Data verification – as previously described, with the student “n” size increasing to 30/30/30.

The district is identified as having disproportionate representation when the two-year criteria is met.

5. How does the SEA determine whether Disproportionate Representation is the result of inappropriate identification?

Policies, practices, and procedures – noncompliance can result if policies, practices, or procedures have a discriminatory effect.

- District completes the required Kansas Self-Assessment Tool. The district reviews district policies, practices and procedures specific to the identified racial and ethnic group / disability category to determine if the identified IDEA practices occur.
- KSDE team reviews submitted information to determine whether the disproportionate representation is due to inappropriate identification.

Each district is required to have policies, practices and procedures in place to ensure that students are being appropriately identified for special education and related services / within specific disability categories. Kansas has aligned state regulations to the Office of Special Education Programs (OSEP) requirements. There are three main areas that are reviewed if a district is identified as having disproportionate representation: Child Find and General Education Interventions, Evaluation Procedures, and Eligibility Determinations (K.A.R. 91-40-7, -9, -10).

6. What can a district do when students have already been identified as eligible for special education services by another district?

A district may:

- Review policies, practices, and procedures with regard to transitioning students with Individualized Education Plans (IEPs).
- Look at what happens once students with IEPs enter school in terms of monitoring students' progress and performance and using data to help determine an individual student's continuing need for special education services.

7. How is Significant Disproportionality different from Disproportionate Representation?

The criteria for determining significant disproportionality are different from the criteria for disproportionate representation. In order to have significant disproportionality, a district must have a weighted risk ratio of 4.0 or higher for two consecutive years. In accordance with IDEA 2004, any district identified as having significant disproportionality, regardless of whether or not it is the result of inappropriate identification, must set aside and use 15 percent of its IDEA funds for early intervening services in the fiscal year immediately following the year in which the identification occurred.

8. What additional assistance is available?

Additional information may be obtained by calling the Special Education Department of the Kansas State Department of Education (KSDE) at 785-291-3097; ask to speak with the Indicator 9 & 10 Education Program Consultant. Further information can also be obtained from the KSDE Web site at <http://www.ksde.org/Default.aspx?tabid=2291> or at

Kozleski, E., & Zion, S. (2006). *Preventing DISPROPORTIONALITY by strengthening district policies and procedures — an assessment and strategic planning process*. National Center For Culturally Responsive Educational Systems. Retrieved from http://www.nccrest.org/PDFs/district_rubric.pdf?v_document_name=District%20Rubric

Klingner, J. K., Artiles, A. J., Kozleski, E., Harry, B., Zion, S., Tate, W., Durán, G. Z., & Riley, D. (2005). Addressing the disproportionate representation of culturally and linguistically diverse students in special education through culturally responsive educational systems. *Education Policy Analysis Archives*, 13(38). Retrieved from <http://epaa.asu.edu/ojs/article/view/143>

Steinhardt School of Culture, Education, and Human Development. (n.d.). *Technical assistance center on disproportionate representation*. Retrieved from <http://steinhardt.nyu.edu/metrocenter/tacd/resources/publications>